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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

In re Applications of ) MM Docket No. 93-94  
)  
Scripps Howard Broadcasting ) FCC File No. BRCT-910603KX  
Company )  
)  
For Renewal of License of )  
Station WMAR-TV, )  
Baltimore, Maryland )  
)  
and )  
)  
Four Jacks Broadcasting, Inc. ) FCC File No. BPCT-910903KE  
)  
)  
For a Construction Permit )  
For a New Television )  
Facility on Channel 2 in )  
Baltimore, Maryland )

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JUL 27 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

TO: The Honorable Richard L. Sippel  
Presiding Administrative Law Judge

**NOTICE PERTAINING TO EARLIER  
FILED AMENDMENT TO APPLICATION**

Scripps Howard Broadcasting Company ("Scripps Howard"), through counsel, hereby provides an update regarding its earlier filed Motion for Acceptance of Amendment (the "Motion"), which was filed on May 11, 1994 and which was granted by the Presiding Judge. Order, FCC 94M-402 (released June 14, 1994). The Motion reported a tentative decision by a California state judge that a partnership controlled by a corporate subsidiary of Scripps Howard violated California's Unfair Practices Act in 1988 and 1989. The California court has now issued a final judgment and permanent injunction in that case, which are attached. Scripps Howard files this notice

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to honor its earlier commitment to "provide updates, as appropriate, on the ultimate disposition of this matter." Motion, Amendment to Renewal Application, at 3.

Respectfully submitted,

Scripps Howard  
Broadcasting Company

By: Sean H. Lane  
Kenneth C. Howard, Jr.  
Leonard C. Greenebaum  
Sean H. Lane

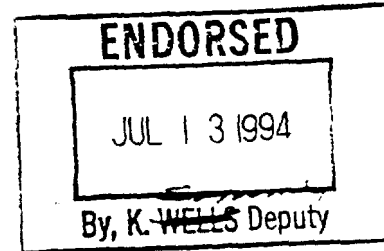
Its Attorneys

BAKER & HOSTETLER  
1050 Connecticut Avenue, N.W.  
Suite 1100  
Washington, D.C. 20036  
(202) 861-1500

Date: July 27, 1994

**ATTACHMENT**

Geoffrey Burroughs. #36302  
Audrey A. Millemann. #124954  
WEINTRAUB GENSHLEA & SPROUL  
Law Corporation  
P. O. Box 15208. 95851-0208  
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Robert M. Bramson. #102006  
Anne M. Ronan. #104842  
FARROW, BRAMSON, CHAVEZ & BASKIN  
2125 Oak Grove Road, Suite 120  
Walnut Creek, California 94598  
(510) 945-0200

Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SACRAMENTO

LEZA COLEMAN, GAYLE )  
O'CONNOR, MARIE BEASLEY, and )  
CHARLES SLATER, individually, on )  
behalf of the general public and on behalf )  
of all others similarly situated, )

No. 524077

JUDGMENT

Plaintiffs,

v.

SACRAMENTO CABLE TELEVISION, )  
a general partnership, and )  
DOES 1 through 10, inclusive, )

Defendants.

This cause came on regularly for trial on February 7, 1994, the Honorable Roger K. Warren, Judge, presiding. Plaintiffs appeared by their attorneys Robert M. Bramson, Geoffrey Burroughs, and Audrey A. Millemann, and defendant appeared by its attorneys Jack D. Fudge, Marc D. Flink, and Daniel J. McVeigh.

The Court having considered the evidence and arguments of the parties, and the pleadings and papers related thereto, and good cause appearing therefor,

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1 IT IS HEREBY ORDERED AND ADJUDGED:

2 1. That defendant Sacramento Cable Television committed acts of locality  
3 discrimination in violation of the Unfair Practices Act, Business and Professions Code  
4 sections 17000, *et seq.*, and specifically in violation of section 17040 thereof, with respect  
5 to its pricing of cable television services in and around November 1988 through March 1989.

6 2. That defendant Sacramento Cable Television committed acts of unfair  
7 competition in violation of Business and Professions Code sections 17200, *et seq.*, with  
8 respect to its pricing of cable television services in and around January 1988 through March  
9 1989.

10 3. That defendant Sacramento Cable Television violated Sacramento County Code  
11 sections 5.50.516 and 5.75.406, and the identical provisions of the Folsom City Code, the  
12 Galt City Code, and the Sacramento City Code, with respect to its pricing of cable television  
13 services in and around November 1988 through March 1989.

14 4. That defendant Sacramento Cable Television is ordered, pursuant to Business  
15 and Professions Code section 17203 to disgorge the sum of \$942,095, consisting of \$718,060  
16 plus interest thereon in the amount of \$224,035, augmented as set forth in paragraph 5 below,  
17 by dividing the total amount to be disgorged by the number of its current cable television  
18 customers within Sacramento County. Within 30 days of the entry of this judgment, or at  
19 such later time as the parties may stipulate or the Court may order, Sacramento Cable  
20 Television shall issue a credit in the resulting average amount to each of its cable television  
21 customers and show that credit on the next bill sent to that customer.

22 5. Defendant Sacramento Cable Television may, at its option, submit a declaration  
23 or affidavit setting forth its bad debt expense ratio for the last 12 months. If Sacramento  
24 Cable Television submits such a declaration, then the sum set forth in paragraph 4 above,  
25 shall be augmented by the amount set forth in that declaration. In the absence of the submittal  
26 of such a declaration, the sum set forth in paragraph 4 above shall be augmented by 2.86  
27 percent, making the total amount of credits to be passed equal to \$969,038.92.

1           6.     A permanent injunction is entered against Sacramento Cable Television pursuant  
2 to Business and Professions Code sections 17078 and 17203 in the form attached hereto.

3           7.     Plaintiffs are awarded costs of suit in an amount to be determined through post-  
4 judgment proceedings.

5           8.     Plaintiffs may seek an award of attorneys' fees by motion filed within 30 days  
6 of entry of this judgment, or at such later time as the parties may stipulate or the Court may  
7 order. It is not necessary for plaintiffs to include a request for attorneys' fees in their  
8 memorandum of costs.

9     Dated: 6/30, 1994.

**ROGER K. WARREN**

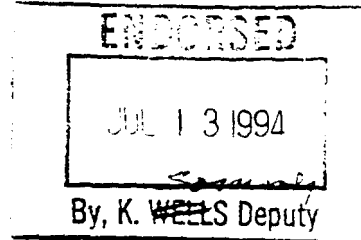
Honorable Roger K. Warren  
Judge of the Superior Court

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    & SPROUL  
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12 Attorneys for Plaintiffs

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**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**IN AND FOR THE COUNTY OF SACRAMENTO**

14 LEZA COLEMAN, GAYLE )  
15 O'CONNOR, MARIE BEASLEY, and )  
16 CHARLES SLATER, individually, on )  
17 behalf of the general public and on behalf )  
18 of all others similarly situated, )

No. 524077

17 Plaintiffs,

18 v.

PERMANENT INJUNCTION

19 SACRAMENTO CABLE TELEVISION, )  
20 a general partnership, and )  
21 DOES 1 through 10, inclusive, )

21 Defendants.

23 The Court having presided over trial in this matter, and the Court having found,  
24 *inter alia*, that defendant Sacramento Cable Television violated the provisions of Business  
25 and Professions Code sections 17040 and 17200, *et seq.*, the Court hereby permanently  
26 enjoins Sacramento Cable Television, its officers, directors, partners, agents, employees,  
27 representatives, affiliated entities, successors and assigns, and all persons acting in concert

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1 with it, from engaging in any future acts of locality discrimination taken with intent to  
2 destroy or prevent the competition of anyone who is, or in good faith intends to be, a  
3 regularly established dealer in the article or product involved, however, nothing in this  
4 permanent injunction prohibits the meeting in good faith of a competitive price.

5 Defendant Sacramento Cable Television is further ordered to transmit to  
6 subscribers residing within Sacramento County to whom a credit is issued a true and  
7 correct copy of the attached notice at such time as the credit is issued.

8 IT IS SO ORDERED.

9  
10 Dated: 6/30, 1994.

**ROGER K. WARREN**

The Honorable Roger K. Warren  
Judge of the Superior Court

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## NOTICE TO SACRAMENTO CABLE TELEVISION SUBSCRIBERS

On June 30, 1994, the Superior Court for the County of Sacramento, California, entered judgment in the case entitled Leza Coleman, et al. v. Sacramento Cable Television, Case No. 524077 ("the Action") against Sacramento Cable Television ("SCT"), the defendant in the Action. The Court found that SCT violated certain provisions of the California Business and Professions Code by charging different cable television prices in different portions of Sacramento County in 1988 and 1989 with the intent to injure its cable television competitors. The Court also found that SCT benefited from that illegal pricing and ordered that SCT provide a one-time credit to each of its customers in the amount of \$ \_\_\_\_\_ as reflected on your current statement.

The Court has also entered a permanent injunction prohibiting SCT, its officers, directors, partners, agents, employees, representatives, affiliated entities, successors and assigns, and all persons acting in concert with it, from engaging in any future acts of locality discrimination with intent to destroy or prevent competition, unless such acts are taken in good faith to meet competitive prices.


Certificate of Service

I, Ruth Omonijo, a secretary in the law offices of Baker & Hostetler, hereby certify that I have caused copies of the foregoing "Notice Pertaining to Earlier Filed Amendment to Application" to be sent this 27th day of July, 1994, via United States First Class Mail, postage prepaid, to the following:

The Honorable Richard L. Sippel\*  
Presiding Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W.  
Room 218  
Washington, DC 20554

Martin R. Leader, Esq.  
Kathryn R. Schmeltzer, Esq.  
Gregory L. Masters, Esq.  
Fisher, Wayland, Cooper, Leader  
& Zaragoza  
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Counsel to Four Jacks  
Broadcasting, Inc.

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Hearing Branch-Mass Media Bureau  
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Ruth Omonijo

\* By Hand